

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL D. ETIENNE, et al.,

Plaintiffs,

v.

ROBERT W. FERGUSON, in his official
capacity as Governor of Washington, et al.,

Defendants.

No. 3:25-cv-05461-DGE

**STIPULATED MOTION TO STAY
PROCEEDINGS AND ENTER
PRELIMINARY INJUNCTION AS TO
COUNTY PROSECUTOR
DEFENDANTS**

AND

ORDER

NOTING DATE: July 11, 2025

Plaintiffs Paul D. Etienne, Joseph J. Tyson, Thomas A. Daly, Frank R. Schuster, Eusebio L. Elizondo, Gary F. Lazzeroni, Gary M. Zender, Robert Pearson, Lutakome Nsubuga, Jesús Mariscal, and Michael Kelly (“Plaintiffs”) and Defendants Leesa Manion, Larry Haskell, Joseph Brusic, Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, James Mitchell,¹ Michael Golden, Shawn Sant, Mathew

¹ Pursuant to Federal Rule of Civil Procedure 25(d), James Mitchell, the acting Douglas County Prosecuting Attorney under RCW 36.16.115, is substituted in place of the Honorable Gordon Edgar, who retired as Douglas County Prosecuting Attorney effective June 30, 2025.

STIPULATED MOTION
(No. 3:25-cv-05461-DGE)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000 (t)
(202) 663-6363 (f)

1 Newberg, Kevin McRae, Norma Tillotson, Gregory Banks, James Kennedy, Chad Enright,
2 Gregory Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy, Albert Lin,
3 Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason
4 Cummings, Erika George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey, and Denis
5 Tracy (the “Stipulating Defendants”) jointly move the Court, pursuant to Local Rule 7(d)(1), to
6 stay all proceedings in this case with respect to the Stipulating Defendants pending a final
7 judgment in this case, subject to the Stipulating Defendants’ agreement to be bound by the terms
8 of this Stipulation and Proposed Order, including Exhibit A attached thereto.

9 On May 29, 2025, Plaintiffs filed a Complaint (Dkt. 1) against the Stipulating Defendants
10 and others, including Robert W. Ferguson, in his official capacity as Governor of Washington
11 and Nicholas W. Brown, in his official capacity as Attorney General of Washington. The
12 Complaint alleges that Section 26.44.030(1)(a) of the Revised Code of Washington (RCW), as
13 amended by Senate Bill 5375, violates the First and Fourteenth Amendments to the U.S.
14 Constitution, as well as Article I, Section 11 of the Washington Constitution. None of the
15 defendants named in the lawsuit have yet answered or otherwise responded to the Complaint.

16 On June 5, 2025, Plaintiffs filed a Motion for Preliminary Injunction (“Motion”) against
17 all defendants (Dkt. 65) seeking to preliminarily enjoin them from enforcing or attempting to
18 enforce RCW § 26.44.030, as amended by Senate Bill 5375, as applied to information learned by
19 Roman Catholic priests solely through the Sacrament of Confession. Four defendants have filed
20 responses to the Motion. *See* Dkt. 131; Dkt. 172; Dkt. 175.

21 The Stipulating Defendants seek to avoid the cost and burdens of this litigation and have
22 agreed not to oppose, either during this litigation or on appeal, Plaintiffs’ requests for injunctive
23 relief against them. The Stipulating Defendants and Plaintiffs have further agreed that, to allow
24 for the Plaintiffs to pursue their claims against the remaining defendants, the Plaintiffs’ claims
25 against the Stipulating Defendants will be stayed in their entirety until the Court’s entry of a final
26 judgment in this lawsuit, thus precluding the Stipulating Defendants from (i) responding to the

27 STIPULATED MOTION
28 (No. 3:25-cv-05461-DGE)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000 (t)
(202) 663-6363 (f)

1 Complaint, (ii) participating in motions practice, and (iii) propounding (or being subject to)
2 discovery. In exchange for Plaintiffs' agreement to stay the lawsuit against them, the Stipulating
3 Defendants stipulate to the Court's entry of the Plaintiffs' proposed preliminary injunction
4 against them (Dkt. 65-1), pending the Court's final judgment, including during the pendency of
5 any potential interlocutory appeal. The Stipulating Defendants have further agreed to consent to
6 the Court's final judgment as to the remaining defendants and not to appeal any such judgment.

7 In consideration of these mutual agreements, Plaintiffs have agreed not to seek attorneys'
8 fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless
9 of the Court's final judgment. The Stipulating Defendants have likewise agreed to waive any
10 claim for attorneys' fees and/or costs from the Plaintiffs, regardless of the Court's final
11 judgment.

12 IT IS SO STIPULATED by and between the Parties.

13 * * *

14 //
15 //

16 I certify that this memorandum contains 611 words, in compliance with the Local Civil
17 Rules.

18 DATED: July 11, 2025
19
20
21
22
23
24
25
26

27 STIPULATED MOTION
28 (No. 3:25-cv-05461-DGE)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000 (t)
(202) 663-6363 (f)

1 By: /s/ Anna K. Aruiza

2 Anna K. Aruiza, WSBA #39663
 3 Senior Deputy Prosecuting Attorney
 4 CHAD M. ENRIGHT
 5 Kitsap County Prosecuting Attorney
 6 614 Division St. MS-35A
 7 Port Orchard, WA 98366-4676
 8 Tel: (360) 337-4992
 9 Fax: (360) 337-7083
 10 aaruiza@kitsap.gov
 11 Attorney for Defendant Chad Enright

12 By: /s/ Heidi Jacobsen-Watts

13 Heidi Jacobsen-Watts, WSBA #35549
 14 Senior Deputy Prosecuting Attorney
 15 LEESA MANION
 16 King County Prosecuting Attorney
 17 701 Fifth Ave., Suite 600
 18 Seattle, WA 98104
 19 Tel: (206) 477-1120
 20 Fax: (206) 296-0191
 21 heidi.jacobsen-watts@kingcounty.gov
 22 Attorney for Defendant Leesa Manion

23 By: /s/ Philip C. Hunsucker

24 Philip C. Hunsucker, WSBA #48692
 25 Chief Civil Deputy Prosecuting Attorney
 26 JAMES KENNEDY
 27 Jefferson County Prosecuting Attorney
 28 1820 Jefferson Street/P.O. Box 1220
 Port Townsend, WA 98368
 Tel: (360) 385-9180
 PHunsucker@co.jefferson.wa.us
 Attorney for Defendant James Kennedy

29 By: /s/ Amanda Migchelbrink

30 Amanda Migchelbrink, WSBA #34223
 31 Senior Deputy Prosecuting Attorney
 32 TONY GOLIK
 33 Clark County Prosecuting Attorney
 34 1300 Franklin St., Suite 380
 35 Vancouver, WA 98666-5000
 36 Tel: (564) 397-2478
 37 Fax: (564) 397-2184
 38 Amanda.Migchelbrink@clark.wa.gov
 39 Attorney for Defendant Tony Golik
 40 STIPULATED MOTION
 41 (No. 3:25-cv-05461-DGE)

By: /s/ Siddharth Velamoor

William J. Crowley
 CROWLEY LAW OFFICES, P.S.
 600 University Street
 Suite 1708
 Seattle, WA 98101
 Tel: (206) 224-7069
 will@crowleylawoffices.com

Matthew T. Martens (*pro hac vice*)
 Siddharth Velamoor, WSBA #40965
 Donna Farag (*pro hac vice*)
 Zachary Halpern (*pro hac vice*)
 WILMER CUTLER PICKERING HALE
 AND DORR LLP
 2100 Pennsylvania Avenue, NW
 Washington, DC 20037
 Tel: (202) 663-6000
 Fax: (202) 663-6363
 matthew.martens@wilmerhale.com
 siddharth.velamoor@wilmerhale.com
 donna.farag@wilmerhale.com
 zac.halpern@wilmerhale.com

Leah M. Fugere (*pro hac vice*)
 WILMER CUTLER PICKERING HALE
 AND DORR LLP
 350 South Grand Avenue
 Suite 2400
 Los Angeles, CA 90071
 Tel: (213) 443-5300
 Fax: (213) 443-5400
 leah.fugere@wilmerhale.com

Robert Kingsley Smith (*pro hac vice*)
 WILMER CUTLER PICKERING HALE
 AND DORR LLP
 60 State Street
 Boston, MA 02109
 Tel: (617) 526-6000
 Fax: (617) 526-5000
 robert.smith@wilmerhale.com

**WILMER CUTLER PICKERING
 HALE AND DORR LLP**
 2100 Pennsylvania Avenue NW
 Washington, DC 20037
 (202) 663-6000 (t)
 (202) 663-6363 (f)

By: /s/ Frederick A. Haist
 Frederick A. Haist, WSBA #48937
 Deputy Prosecuting Attorney
 RICHARD E. WEYRICH
 Skagit County Prosecuting Attorney
 605 Third St.
 Mount Vernon, WA 98273-3867
 Tel: (360) 416-1600
 Fax: (360) 416-1649
 fhaist@co.skagit.wa.us
 Attorney for Defendant Richard Weyrich

By: /s/ Rachel K. Stanley
 Rachel K. Stanley, WSBA #58280
 EVANS, CRAVEN & LACKIE, P.S.
 818 Riverside, Suite 250
 Spokane, WA 99201-0910
 Tel: (509) 455-5200
 Fax: (509) 455-3632
 rstanley@ecl-law.com
 Attorney for Defendants Curt Liedike, Dale
 Slack, Mathew Newburg, Kevin McCrae, Ty
 Albertson, Adam Kick, Erika George, and
 Denis Tracy

By: /s/ Geoffrey A. Enns
 Geoffrey A. Enns, WSBA #40682
 Deputy Prosecuting Attorney
 JASON CUMMINGS
 Snohomish County Prosecuting Attorney
 3000 Rockefeller Ave. M/S 504
 Everett, WA 98201
 Tel: (425) 388-6330
 Fax: (425) 388-6333
 Geoff.Enns@co.snohomish.wa.us
 Attorney for Defendants Larry Haskell, Joseph
 Brusic, Randy Flyckt, Eric Eisinger, Robert
 Sealby, Mark Nichols, Ryan Jurvakainen,
 James Mitchell, Michael Golden, Shawn Sant,
 Norma Tillotson, Gregory Banks, Gregory
 Zempel, David Quesnel, Jonathan Meyer,
 Michael Dorcy, Albert Lin, Michael Rothman,
 Dolly Hunt, Mary Robnett, Amy Vira, Jason
 Cummings, Jon Tunheim, Dan Bigelow Gabe
 Acosta, and Eric Richey
 STIPULATED MOTION
 (No. 3:25-cv-05461-DGE)

Mark L. Rienzi (*pro hac vice*)
 Eric C. Rassbach (*pro hac vice*)
 William J. Haun (*pro hac vice*)
 Laura Wolk Slavis (*pro hac vice*)
 BECKET FUND FOR RELIGIOUS
 LIBERTY
 1919 Pennsylvania Ave NW, Suite 400
 Washington, D.C. 20006
 Tel: (202) 955-0095
 mrienzi@becketfund.org
 erassbach@becketfund.org
 whaun@becketfund.org
 lslavis@becketfund.org

Hiram S. Sasser, III (*pro hac vice*
 forthcoming)
 Jeremy Dys (*pro hac vice* forthcoming)
 Chris Motz (*pro hac vice* forthcoming)
 FIRST LIBERTY INSTITUTE
 2001 W. Plano Pkwy., Ste. 1600
 Plano, Texas 75075
 Tel: (972) 941-4444
 Fax: (972) 941-4457
 hsasser@firstliberty.org
 jdys@firstliberty.org
 cmotz@firstliberty.org

Attorneys for Plaintiffs

**WILMER CUTLER PICKERING
 HALE AND DORR LLP**
 2100 Pennsylvania Avenue NW
 Washington, DC 20037
 (202) 663-6000 (t)
 (202) 663-6363 (f)

ORDER**PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.**

This matter is before the Court on the Stipulated Motion to Stay Proceedings and Enter Preliminary Injunction as to County Prosecutor Defendants (“Motion”) (Dkt. 65). Defendants Leesa Manion, Larry Haskell, Joseph Brusic, Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, James Mitchell, Michael Golden, Shawn Sant, Mathew Newberg, Kevin McRae, Norma Tillotson, Gregory Banks, James Kennedy, Chad Enright, Gregory Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy, Albert Lin, Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason Cummings, Erika George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey, and Denis Tracy (the “Stipulating Defendants”) have agreed, in exchange for Plaintiffs’ agreement to stay the lawsuit against them, to stipulate to the Court’s entry of the Plaintiffs’ proposed preliminary injunction (Dkt. 65-1) pending the Court’s final judgment in this case, including during the pendency of any potential interlocutory appeal. The Stipulating Defendants have further agreed to consent to the Court’s final judgment against the remaining defendants and not to appeal any such judgment. In consideration of these mutual agreements, Plaintiffs have agreed not to seek attorneys’ fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless of the Court’s final judgment. The Stipulating Defendants have likewise agreed to waive any claim for attorneys’ fees and/or costs from the Plaintiffs, regardless of the Court’s final judgment.

Having reviewed the Motion, the docket and all related material, and good cause appearing therefrom, the Court hereby ORDERS as follows:

1. The Stipulating Defendants are hereby subject to and bound by Exhibit A to this Order.
2. Plaintiffs’ action against the Stipulating Defendants shall be STAYED until the entry of a final judgment in this matter as to all other defendants. During the pendency of the stay,

ORDER GRANTING
STIPULATED MOTION

(No. 3:25-cv-05461-DGE)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000 (t)
(202) 663-6363 (f)

the Stipulating Defendants' deadline to respond to the Complaint and all other case deadlines applicable to the Stipulating Defendants shall be STRICKEN.

3. The Stipulating Defendants will not appeal any interlocutory ruling in this matter, including but not limited to the Court's ruling on Plaintiffs' Motion for Preliminary Injunction (Dkt. 65).
4. The Stipulating Defendants will consent to the Court's final judgment against the remaining defendants and will not appeal any such judgment.
5. In consideration of these mutual agreements, Plaintiffs will not seek attorneys' fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless of the Court's final judgment. The Stipulating Defendants likewise waive any claim for attorneys' fees and/or costs from the Plaintiffs, regardless of the Court's final judgment.

IT IS SO ORDERED.

DATED this 15th day of July, 2025



David G. Estudillo
United States District Judge

Presented by:

/s/ Siddharth Velamoor

Siddharth Velamoor, WSBA #40965
WILMER CUTLER PICKERING HALE AND
DORR LLP

2100 Pennsylvania Avenue, NW
Washington, DC 20037

ORDER GRANTING
STIPULATED MOTION

(No. 3:25-cv-05461-DGE)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000 (t)
(202) 663-6363 (f)

1 Tel: (202) 663-6000
2 Fax: (202) 663-6363
3 siddharth.velamoor@wilmerhale.com
4

/s/ Anna K. Aruiza

5 Anna K. Aruiza, WSBA #39663
6 Senior Deputy Prosecuting Attorney
7 CHAD M. ENRIGHT
8 Kitsap County Prosecuting Attorney
9 614 Division St. MS-35A
10 Port Orchard, WA 98366-4676
11 Tel: (360) 337-4992
12 Fax: (360) 337-7083
13 aaruiza@kitsap.gov
14
15
16
17
18
19
20
21
22
23
24
25

26 ORDER GRANTING
27 STIPULATED MOTION

28 (No. 3:25-cv-05461-DGE)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000 (t)
(202) 663-6363 (f)

EXHIBIT A

Pursuant to the Stipulated Motion of Plaintiffs Paul D. Etienne, Joseph J. Tyson, Thomas A. Daly, Frank R. Schuster, Eusebio L. Elizondo, Gary F. Lazzeroni, Gary M. Zender, Robert Pearson, Lutakome Nsubuga, Jesús Mariscal, and Michael Kelly (“Plaintiffs”) and Defendants Leesa Manion, Larry Haskell, Joseph Brusic, Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, James Mitchell, Michael Golden, Shawn Sant, Mathew Newberg, Kevin McRae, Norma Tillotson, Gregory Banks, James Kennedy, Chad Enright, Gregory Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy, Albert Lin, Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason Cummings, Erika George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey, and Denis Tracy (the “Stipulating Defendants”), IT IS HEREBY ORDERED that the Stipulating Defendants and their agents, servants, employees, and attorneys, and other persons who are in active concert or participation with Stipulating Defendants, their agents, servants, employees, and attorneys, are preliminarily enjoined, pursuant to Federal Rule of Civil Procedure 65(a), from enforcing or attempting to enforce RCW § 26.44.030, as amended by Senate Bill 5375, as applied to information learned by Roman Catholic priests solely through the Sacrament of Confession.

ORDER GRANTING
STIPULATED MOTION

(No. 3:25-cv-05461-DGE)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**
2100 Pennsylvania Avenue NW
Washington, DC 20037
(202) 663-6000 (t)
(202) 663-6363 (f)